

TFW



Atty Docket No: 28331.010200

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of :  
Clement W. BOWMAN :  
Group Art Unit: 3627  
Serial No.: 09/240,053 : Examiner: Kalinowski  
Filed: January 29, 1999 :  
For: COMPUTERIZED PROCESS FOR MEASURING THE VALUE OR  
PERFORMANCE OF AN ORGANIZATION OR INTANGIBLE ASSET

**RESPONSE TO REQUIREMENT FOR INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

In response to the Examiner's communication Under 37 C.F.R. 1.105, Applicant and Assignee respond as follows:

The Examiner has requested publication dates of Exhibits B and C to Applicant's Response filed March 3, 2005. Exhibit B is not believed to have been a "printed publication" within the meaning of that term under 35 U.S.C. § 102(b) prior to Applicant's filing date. See, e.g., In Re Marshall W. Cronyn, 890 F.2d 1158 (Fed. Cir. 1989). Exhibit B is a brochure believed to have been issued by a third party, KPMG Peat Marwick, to one or more prospective customers after May 1994 and prior to 1996. Exhibit C is a paper entitled "Measuring Good Research Management" authored by the

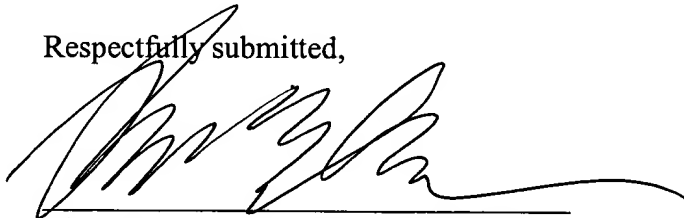
present inventor and included in *Research & Technology Management*, March-April 1992, Volume 35 No. 2, p. 13.

Moreover, like the Blake reference which is of-record, both documents merely disclose charts which are intended to express the differences between different managerial styles or characteristics of an organization. They fail to teach or suggest the presently recited step of scoring performance criteria statements, fail to teach or suggest the presently recited step of summing a plurality of scores obtained by that scoring step, and fail to teach or suggest the recited step of physically plotting a point on a chart at a location corresponding to first and second total scores.

#### **CONCLUSION**

Having fully complied with the Requirement for Information, it is submitted that claims 1-20 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,



Richard E. Kurtz, II (Reg. No. 33,936)  
Attorney for Applicants

GREENBERG TRAUIG  
1750 Tysons Boulevard, 12<sup>th</sup> Floor  
McLean, VA 22102  
(703) 749-1330  
E-mail: kurtzr@gtlaw.com

Filed: 8/29/05